

Message Text

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PAGE 01 STATE 211459

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TO ALL DIPLOMATIC POSTS

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FROM US LOSDEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: UNCLASSIFIED WEEKLY SUMMARY - AUGUST 16-20

COMMITTEE I

1. WEEK OF AUGUST 16 WAS DEVOTED IN COMMITTEE I TO
INTRODUCTION OF GROUP OF 77 (G-77) NEW DRAFT ARTICLES ON
SYSTEM OF EXPLOITATION (ARTICLES 22, 23, AND PARAGRAPHS
2, 7 AND 8 OF ANNEX I) AND COMMENTS BY INDUSTRIALIZED
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PAGE 02 STATE 211459

COUNTRIES ON G-77 TEXTS, INCLUDING INTRODUCTION BY U.S.

AND USSR OF INFORMAL DRAFT TEXTS FOR ARTICLE 22 AND RELATED PROVISIONS. ALL C-I DISCUSSIONS THIS WEEK WERE CONDUCTED IN ITS INFORMAL WORKSHOP.

2. G-77 DRAFT ARTICLES ADOPTED APPROACH TO SYSTEM OF EXPLOITATION WHICH WOULD GRANT AUTHORITY BROAD DISCRETIONARY POWERS OVER ACCESS TO DEEP SEABED RESOURCES BY STATES AND PRIVATE PARTIES. INDUSTRIALIZED COUNTRIES WERE EXTREMELY UNIFIED IN THEIR RESPONSE TO G-77 TEXTS, SUPPORTING PURE PARALLEL SYSTEM OF ACCESS ON NONDISCRETIONARY AND NONDISCRIMINATORY BASIS. GENERAL ATTITUDE AMONG C-I DELEGATIONS IS THAT ALL POSITIONS ON ACCESS SYSTEM HAVE BEEN CLARIFIED AND PUT BEFORE COMMITTEE AND THAT TWO SIDES APPEAR FAR APART. THERE IS GENERALLY FEELING THAT SOME NEGOTIATING MECHANISM THAT CAN BE APPROVED BY C-I WORKSHOP WILL NEED TO BE DEvised IF ANY PROGRESS IS TO BE MADE THIS SESSION IN DEEP SEABED NEGOTIATIONS.

COMMITTEE II:

DURING THE WEEK OF AUGUST 16-20, COMMITTEE II DISCUSSED THE ISSUES OF MAJOR PRIORITY, THAT IS, ISSUES OF THE GREATEST IMPORTANCE OF THE LARGEST NUMBER OF COUNTRIES. THESE INCLUDED THE QUESTIONS RELATING TO LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, THE ECONOMIC ZONE, AND THE CONTINENTAL MARGIN INCLUDING REVENUE SHARING. BEING OF THE IMPRESSION THAT A NEW MECHANISM WOULD BE HELPFUL AT THIS STAGE OF THE PROCEEDING, THE CHAIRMAN INVITED SELECTED DELEGATIONS TO PARTICIPATE IN SMALL, INFORMAL CONSULTATIONS WITH A VIEW TO FINDING COMPROMISE FORMULAE FOR SUBMISSION THROUGH THE NEGOTIATING GROUPS TO THE FULL COMMITTEE. INITIAL DISCUSSIONS IN THESE SMALL GROUPS WERE INITIATED ON ALL SUBJECTS PRESENTLY BEFORE THE COMMITTEE EXCEPT FOR THE QUESTION OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES' ACCESS TO LIVING RESOURCES IN ECONOMIC ZONES OF OTHERS, WHICH WILL CONTINUE IN DISCUSSION BY THE LARGER GROUP. SMALL GROUP CONSULTATIONS WILL CONTINUE DURING THE NEXT TWO WEEKS. A WORK PROGRAM WAS DEVELOPED BY THE CHAIRMAN FOR THE FOURTH, FIFTH

UNCLASSIFIED

PAGE 03 STATE 211459

AND SIXTH WEEKS OF THE SESSION, WHICH INCLUDES TIME FOR DISCUSSION OF OTHER ISSUES OF IMPORTANCE TO DELEGATIONS.

COMMITTEE III:

THE COMMITTEE MET TWICE DURING THE WEEK TO CONTINUE GENERAL DISCUSSION OF VESSEL-SOURCE POLLUTION ISSUES. NO STRONG SUPPORT DEVELOPED FOR SIGNIFICANT CHANGES TO THE

ENFORCEMENT REGIME OR SAFEGUARDS SECTION OF THE RSNT. SMALL INFORMAL CONSULTATIONS WILL BEGIN THIS WEEK ON THESE ISSUES.

ON SCIENTIFIC RESEARCH, THERE WAS A SERIES OF INFORMAL CONSULTATIONS ON ARTICLE 60, THE BASIC REGIME ARTICLE FOR THE ECONOMIC ZONE BUT NO COMPROMISE WAS PRODUCED.

DISPUTE SETTLEMENT:

THE INFORMAL PLENARY CONTINUED ITS ARTICLE BY ARTICLE REVIEW OF PART IV OF THE RSNT. THERE WAS BROAD PARTICIPATION IN THE DEBATE ON ARTICLE 11 (EXPERT ADVICE) WITH MANY DELEGATIONS WISHING TO DOWNPLAY THE ROLE OF EXPERTS IN THE DISPUTE SETTLEMENT PROCEDURES. MOST DELEGATIONS THOUGHT THE PRESENT WORDING OF THAT ARTICLE WOULD BE INTERPRETED AS MAKING EXPERT OPINIONS ON TECHNICAL AND SCIENTIFIC ISSUES BINDING ON THE PARTIES OR THE FORUM HAVING JURISDICTION, AND THAT THIS SHOULD BE AVOIDED. SEVERAL ALSO FELT PROVISION FOR ASSESSORS, WHO WOULD SIT WITH THE TRIBUNAL BUT NOT VOTE, IS UNNECESSARY. THE DEBATE ON ARTICLE 12 (PROVISIONAL MEASURES) FOCUSED ON THE ROLE OF THE LOS TRIBUNAL WHERE THE COMPETENT FORUM IS NOT A STANDING BODY (I.E. ARBITRATION OR SPECIAL PROCEDURES) AND MAY TAKE SOME TIME TO BE CONSTITUTED. DEBATE ON ARTICLE 13 WAS ABBREVIATED PENDING CONSIDERATION OF OTHER RELATED ARTICLES, AND ARTICLE 14 WAS DEFERRED UNTIL THE DEBATE ON ARTICLE 18 IS COMPLETE. ARTICLE 15 (RELEASE OF DETAINED VESSELS) WAS THE SUBJECT OF LIVELY DEBATE OVER THE RELATIONSHIP OF LOCAL REMEDIES TO THE INTERNATIONAL PROCEDURES FOR VESSEL RELEASE AND WITH RESPECT TO ACCESS TO THE INTERNATIONAL PROCEDURES BY VESSEL OWNERS, OPERATORS AND MASTERS.

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PAGE 04 STATE 211459

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